

# **Senate File 2311 - Introduced**

SENATE FILE 2311  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3052)

## **A BILL FOR**

1 An Act relating to the adoption and use of certain general  
2 permits issued by the department of natural resources.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.103A, subsection 1, paragraph b,  
2 Code 2022, is amended to read as follows:

3 b. Following the effective date of a general permit,  
4 a person proposing to conduct activities covered by the  
5 general permit shall provide to the department a notice  
6 of intent to conduct a covered activity on a form provided  
7 by the department. ~~A person shall also provide public~~  
8 ~~notice of intent to conduct activities covered under the~~  
9 ~~general permit by publishing notice in one newspaper with~~  
10 ~~the largest circulation in the area in which the facility~~  
11 ~~is located.~~ Notice of intent to conduct activities covered  
12 under the general permit shall be provided to the public by  
13 the department electronically. Notice of the discontinuation  
14 of a permitted activity other than storm water and allowable  
15 nonstorm water discharges shall be provided in the same manner.

16 Sec. 2. Section 455B.275, subsection 3, Code 2022, is  
17 amended to read as follows:

18 3. a. A person shall file ~~a written~~ an application with the  
19 department if the person desires to do any of the following:

20 (1) Erect, construct, use, or maintain a structure, dam,  
21 obstruction, deposit, or excavation in or on any floodway or  
22 floodplains.

23 (2) Erect, construct, maintain, or operate a dam on a  
24 navigable or meandered stream.

25 (3) Erect, construct, maintain, or operate a dam on a stream  
26 for manufacturing or industrial purposes.

27 b. The application shall set forth information as required  
28 by rule of the commission. ~~The~~ Unless the proposed activity  
29 falls under an adopted general permit as set forth in paragraph  
30 "c", the department, after an investigation, shall approve  
31 or deny the application imposing conditions and terms as  
32 prescribed by the department.

33 c. The commission may adopt rules pursuant to chapter 17A  
34 for the issuance of general permits. A general permit shall  
35 authorize activities that, by their nature, do not require

1 further department review.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the adoption and use of certain general  
6 permits issued by the department of natural resources (DNR).

7 Under current law, if a permit is required under Code  
8 chapter 455B, 459, 459A, or 459B for activities that result  
9 in storm water discharge or air contamination, DNR may issue,  
10 modify, deny, or revoke a general permit when a facility is  
11 representative of a class of facilities that could be described  
12 and conditioned by a single permit. After a general permit  
13 takes effect, a permittee is required to provide public notice  
14 of intent to conduct activities under a general permit by  
15 publishing notice in one newspaper with the largest circulation  
16 in the area in which the facility is located. The bill strikes  
17 the requirement for the permittee to publish public notice  
18 of intent and instead requires DNR to provide such notice  
19 electronically.

20 Current law requires a person to file a written application  
21 with DNR if the person desires to erect, construct, use, or  
22 maintain a structure, dam, obstruction, deposit, or excavation  
23 in or on any floodway or floodplains or to erect, construct,  
24 maintain, or operate a dam on a navigable or meandered stream  
25 or on a stream for manufacturing or industrial purposes. After  
26 an investigation, DNR is required to approve or deny the  
27 application and impose conditions and terms. The bill removes  
28 the requirement that the application be written. The bill  
29 allows the environmental protection commission to adopt rules  
30 for the issuance of general permits. A general permit shall  
31 authorize activities that, by their nature, do not require  
32 further DNR review. The bill exempts DNR from approving or  
33 denying an application if the proposed activity falls under an  
34 adopted general permit.